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A Framework for Self-Assessment of Capacity Needs in Land Administration

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The Capacity Building Challenge

- In many countries, the national capacity to manage land rights, restrictions, and responsibilities is not well developed in terms of mature institutions and the necessary human resources and skills.
- In this regard, the capacity building concept offers some guidance for analyzing the capacity needs and developing adequate responses at societal, organizational and individual levels.

Capacity Building – what is it ? ...

- Capacity Building is a complex issue
- The conventional concept is closely related to education, training and HRD
- Capacity is the ability of individuals and organizations or organizational units to perform functions effectively, efficiently and sustainable (UNDP, 1998)

... Capacity Building – what is it ?

It is two-dimensional:

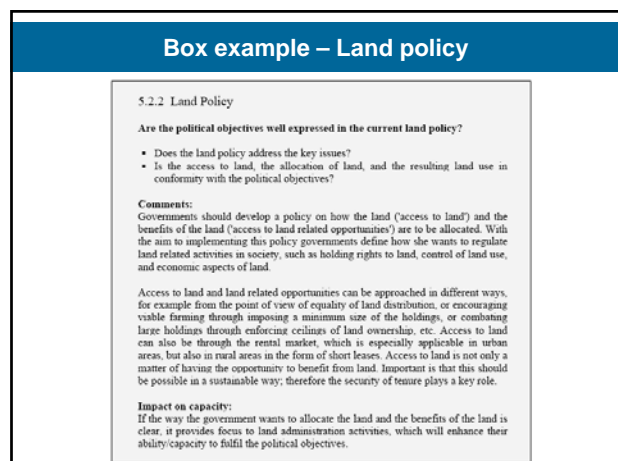
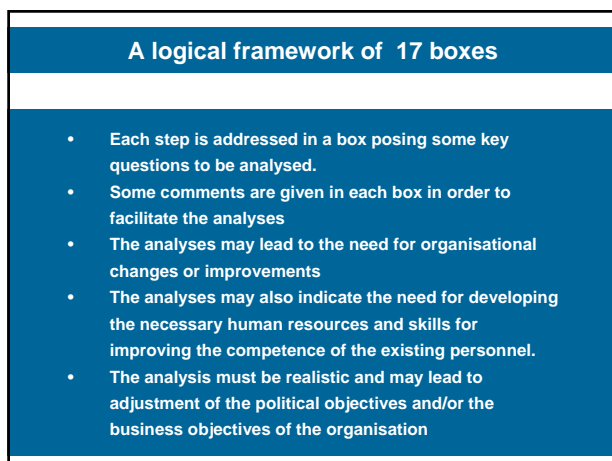
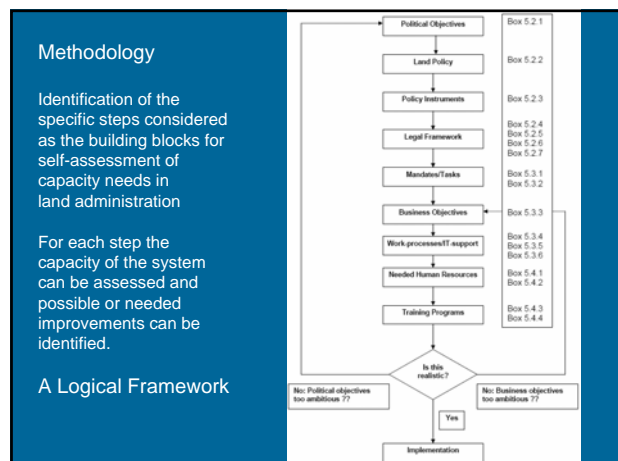
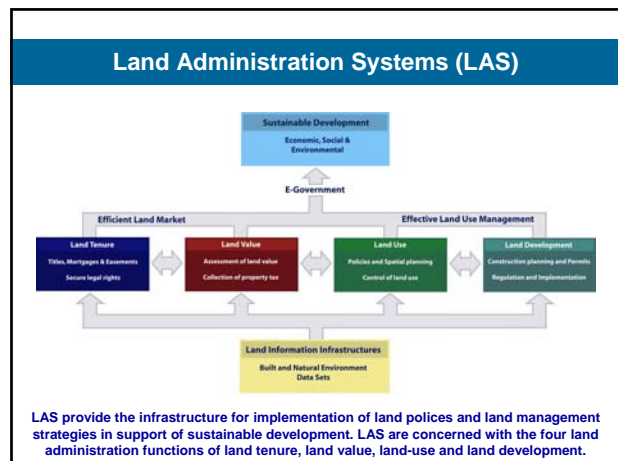
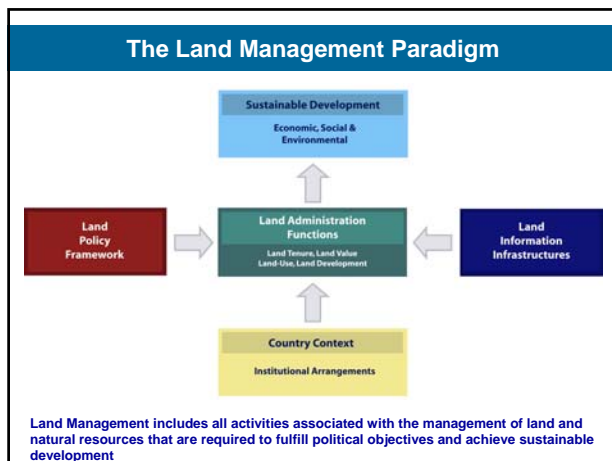
- **Capacity Assessment**
A structured and analytical process whereby the various dimensions of capacity are assessed within the broader systems context, as well as evaluated for specific entities and individuals within the system.
- **Capacity Development**
The process by which individuals, groups, organisations, institutions and society increase their ability to:

Perform core functions, solve problems, define and achieve objectives; and understand and deal with their development needs in a broader context and in a sustainable manner (OECD Definition).

Levels and Dimensions of Capacity Building

It has three levels:

- **The broader system/societal level**
Dimensions include: Policies, legal/regulatory framework, management and accountability perspective, and the resources available.
- **The entity/organisational level**
Dimensions include: Mission and strategies, culture and competencies, processes, resources (human, financial, information) and infrastructures.
- **The group-of-people/individual level**
Dimensions include: education and training programs to meet the gaps within the skills base and the number of staff to operate the systems in the short, medium and long term perspective.



Box example – Allocation of mandates

5.3.1 Allocation of Mandates - General

Are the mandates in place for exertion of land related legal framework?

- Are the mandates overlapping?
- Are the mandates clear and manageable?

Comments:

Clear mandates within the public administration enhance the effectiveness. There are countries where various organisations have a mandate on land related issues (for example the issuing of land titles). This is not only causing frictions in the public administration, but moreover also confuses the citizens. Governments should take into account the operational aspects of the mandate. It makes no sense to impose a mandate that is expected not to be workable and manageable.

Impact on capacity:

The ability/capacity of any land administration system relies on clear mandates. Without a clear and manageable mandate, good performance can never be guaranteed.

Box example – Allocation of mandates

5.3.2 Allocation of Mandates - Decentralisation

Does the allocation of mandates reflect a well-balanced approach to decentralisation?

- Are the linkages between the mandated organizations well defined to ensure good institutional co-operation?

Comments:

Land administration is often associated with decentralization. The reason is that decisions on land very much affect ordinary people, and therefore it is efficient and effective to allocate these tasks at the appropriate local level of government. In allocation of tasks at that specific level, the need for sharing information should be taken into account. E.g. application of information technology can provide a system of central processing and storage, and local information management.

Impact on capacity:

The ability of land administration organisations should on one hand reflect the importance of local presence, on the other hand guarantee countrywide application. This balance is important to meet customer demands.

5.2.5 Legal Framework – Land Rights

Does the legal framework provide enough clarity and transparency regarding the whole complex of holding rights to land?

- Are the rights people might have to land (including role of customary law) sufficiently transparent?
- Is it clear who has access to obtaining rights to land?
- Do the regulations address the equity and fairness on access to rights to land (land reform)?
- Are the procedures for establishment, transfer and abolition of rights to land clear and well accepted?
- Do the regulations for the land market serve equity and fairness without moving people in illegality or informality?
- Is security of tenure provided and to which extent (land registration, titles, cadastres, conveyance procedures)?
- Are there appropriate means for conflict resolution in place (courts, mediation, traditional means)?
- Can legal and administrative arrangements enforce these issues in a way that comply with good governance and the rule of law?

Comments:

The latest definition land registry and cadastre is from Kaufmann & Strecker in "Cadastre 2014" (1998), saying it is a methodically arranged public inventory of data concerning all legal land objects in a certain country or district, based on a survey of these boundaries, such legal land objects are systematically identified by means of unique separate designation; they are defined either by private or public law; it contains the official records of rights to legal land objects. This definition is building upon earlier definitions for example by the International Federation of Surveyors (FIG, 1995).

Important is that land administration systems, which exist in the first place of land registers and a cadastre, are based on legally recognised rights and interest in land. Such systems therefore flourish if there is enough clarification on the nature and form of lands rights, procedures for establishment, transfer and abolition etc. Regarding the earlier mentioned policy objectives (see 1. above), these should be reflected in the way rights to land is defined, and how procedures for holding rights in land are designed.

Impact on capacity:

The existence of an adequate legal framework for land rights that meets the demands of society, enterprises and individuals will enhance the ability and capacity of the land administration system to serve society needs.

More examples ...

5.4.1 Assessment of Human Resources

Is there a policy in place determining the amount of staff and their required competences?

- Do the managers and employees know which job-categories require which expertise and skills?
- Do the organisations have how to assess the need for qualified personnel?

Comments:

In most developing and transition countries capacity assessment and development in terms of human resources is considered to be the most critical. This is about assessing the need for individuals to function efficiently and effectively within organisations and within the broader system, and it is about addressing the gaps through adequate measures of education and training.

Land Administration is about people – from politicians, senior professionals and managers, middle managers and administrators, to office and field personnel. - whether in public or private sector. At the senior level, a broad vision and understanding is required. At the more practical level the players in the system need to have an understanding of the overall system but some will have much more detailed and specific skills that need to be developed.

In order to assess the capacity needs there is a need to identify the work processes in relation to the different land administration areas, such as land registration, subdivision, surveying and mapping, land-use planning and control, land management, land valuation and taxation. The content of these work processes should be identified in relation to the legal and organisational framework for fulfilling the land policies.

Next step is to identify the personnel needed at various competence levels to carry out the work processes. This is simply to assess the gap between the existing capacity and the capacity needed to undertake the land administration tasks in the short, medium and long term. The assessment should include both the public and the private sector.

Impact on capacity:

Assessing and addressing the capacity needs in terms of human resources is of course crucial to the ability/capacity of land administration systems.

Conclusions



- The paper is facing the widely stated problem of poor institutional capacity of land administration agencies in many developing and transition countries.
- Capacity building addresses the broader concept of the ability of organisations and individuals to perform functions effectively, efficiently and sustainably.
- The guidelines for self-assessment of capacity needs are developed to serve as a logical framework for addressing each step from land policy, policy instruments, and legal frameworks; over mandates, business objectives, and work processes; to the necessary human resources and training programs.
- The guidelines aim mainly at developing countries, posing the right questions rather than giving all the right answers.